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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,517	09/27/2000	Richard K. Greicar	Gensp035	2127
22434	7590	06/03/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			BAKER, PAUL A	
			ART UNIT	PAPER NUMBER
			2188	
DATE MAILED: 06/03/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	GREICAR, RICHARD K.	
09/672,517		
Examiner Paul A Baker	Art Unit 2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 20-41 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Claim Objections

Claims 20 and 31 are objected to because of the following informalities: line 12 of claim 20 and line 14 of claim 31 semaphore is misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 31-41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant does not disclose a "computer code for providing a processor" or "computer code for providing a memory..."..

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 31-41 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner does not understand how computer code can provide either a processor or a memory since the code is software and the processor and memory are hardware elements. Given the ambiguity of applicant's claim

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31, examiner has not provided a rejection of claims 31-41 based upon the claim limitations. However, given the parallel nature of claims 20-30 and 31-41, examiner would use the same rejections as set forth in claims 20-30 for claims 31-41 were claim 31 not ambiguous.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20 - 26, 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Scales US Patent 5,761,729.

In regards to claim 20, Scales discloses a method of distributed processing, comprising:

providing a processor column 3 lines 44-45;

providing a memory having a plurality of memory segments capable of storing either program code or data column 3 lines 53-56;

providing a storage location for capable of storing semaphore values each of which are associated with one of said memory segments and operable to indicate whether said associated memory segment contains program code or data that is available for use column 5 lines 56-62 in conjunction with column 8 line 49 through column 9 line 6;

providing a first program and a second program each operable to access the semaphore values in column 4 lines 28-40;

accessing a first semaphore value by said first program;

determining if the program code or data in the memory segment associated with the first semaphore value is available for use based upon the first semaphore value; and

using the first program to implement the code or data stored in the memory segment associated with the first semaphore value in column 4 lines 28-40.

In regards to claim 21, Scales discloses altering the first semaphore value by the first program so as to indicate that the memory segment associated with the first semaphore value is available for having program code or data stored therein in column 3 lines 1-8.

In regards to claim 22, Scales discloses accessing the altered first semaphore value by the second program;

determining if the memory segment associated with the altered first semaphore value is available to have program code or data stored therein by the second program; and using the second program to store code or data in the memory segment associated with the semaphore value when the associated memory segment is available in column 3 lines 1-8 and column 4 lines 28-40.

In regards to claim 23, Scales discloses completing the storing of the program code or data in the memory segment associated with the semaphore value by the second program; and

altering the semaphore value by the second program to indicate that the program code or data in the memory segment associated with the first semaphore value is available for use by the first program in column 3 lines 1-8 and column 4 lines 28-.

In regards to claim 24, Scales discloses the memory is a local memory of the processor and wherein the memory segments are logical memory segments implemented by the processor based upon a computer program to be executed by the processor in a distributed memory system disclosed by Scales in figure 2 element 216 is local to left most processor.

In regards to claim 25, Scales discloses the storage location is a register, or portions thereof, of the processor or a scalar accessible to the processor in column 8 lines 49 through column 9 line 5.

In regards to claim 26, Scales indirectly discloses the first program is a routine that is located in a reserved portion of the local memory such that the first program can not be written over with new code or data, and wherein the first program is operable to access the code or data stored in the local memory of the processor as well as implement that accessed code or data in column 3 lines 41-63 by stating that the

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process sets up a shared memory area to pass information from one process to another. It would be logical to conclude that Scales intends the first program is placed in a non shared memory location, otherwise setting up a shared area would be unnecessary since the program would use its own variable space to convey information.

In regards to claim 30, Scales discloses the determining further comprises:

comparing the first semaphore value with a lookup list of pre-determined semaphore values in column 2 lines 66-67.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scales US Patent 5,761,729.

In regards to claim 27, Scales does not disclose the program that is operable to implement a portion of a Fast Fourier Transform (FFT) program is stored in the local memory, the first program is operable to access the local memory and begin implementing the FFT code, however Scales discloses a general purpose method of passing data from one process to another. It is well known in the art of Digital Signal

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Processing the use of a Consumer-Producer model for signal processing wherein one process loads and stores FFT data to be operated in a shared memory space and for another process to process the data located in the shared memory space, Therefore the examiner takes official notice.

In regards to claim 28, Scales does not disclose the second program is operable to load new blocks of code or data that are used by the first program, however Scales discloses a general purpose method of passing data from one process to another. It is well known in the art of Digital Signal Processing the use of a Consumer-Producer model for signal processing wherein one process loads and stores FFT data to be operated in a shared memory space and for another process to process the data located in the shared memory space, Therefore the examiner takes official notice.

In regards to claim 29, Scales discloses the second program loads code or data from an external memory to the local memory based upon the first semaphore value in column 3 lines 1-8.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A Baker whose telephone number is (703)305-3304. The examiner can normally be reached on M-F 10am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (703)306-2903. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PB



Reginald G. Bragdon

REGINALD G. BRAGDON
PRIMARY EXAMINER